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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE G.BHAVANI PRASAD

WRIT APPEAL NO:856 of 2006

DATED: 14-08-2006

Between:

1. The Vice-Chairman and Managing Director, A.P.State Road Transport Corporation, Musheerabad, Charminar Cross Roads, Hyderabad & another

.....
PETITIONERS

AND

Md.Fasiuddin

.....RESPONDENT

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JUDGMENT:(per BPR,J)

Heard both sides, and at their request, the writ appeal itself is taken up for disposal.

The appellant which is a Corporation seeks to assail the orders of the learned Single Judge in W.P.No.27292 of 2005 dated

26-12-2005 disposing of the writ petition filed by the respondent herein wherein he sought to consider his case for appointment as cleaner in the existing vacancies under bread winner scheme since he is entitled for appointment as cleaner which is an inferior post to that of conductor.

However, the learned Single Judge, by taking into consideration the merits held that this Court is not inclined to give any direction to appoint under the Scheme, however, directed the respondent to submit an application expressing his willingness to join the duty as a conductor and the same should be considered on merits.

Having heard the learned counsel on either side and also on perusal of the material on record, it is seen that there is no dispute with regard to the fact that the respondent-petitioner was selected, but, however, he was not given any such appointment. In fact, there is a suggestion on behalf of the respondent that to consider him to any other post, and the learned counsel for the respondent submits that in terms of the orders of the learned Single Judge, he has already filed an application.

In view of the same, we do not go into the merits of the claim or any objection on behalf of the appellant herein. It shall open for the appellant to pass appropriate orders in accordance with law on merits on the representation, which has already been

filed by the respondent. It is also made clear that in the event no such application is filed, respondent is permitted to file the same within two weeks from today and the same shall be considered and disposed of on merits as already directed.

The Writ Appeal is accordingly disposed of. No order as to costs.

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B.PRAKASH RAO, J

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G.BHAVANI PRASAD, J

14th August, 2006

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